## SOUTH DAKOTA BOARD OF NURSING

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IN THE MATTER OF THE REGISTRATION PROCEEDINGS	:	
RE: JENNIFER HANES, UMA	;	Ał
Registration No.: M005568	:	SI

Registrant.

AFFIDAVIT SUPPORTING MOTION FOR SUMMARY SUSPENSION

COUNTY OF MINNEHAHA

I, Tessa Stob, being first duly sworn on oath, depose and state as follows:

- 1. I am a contract employee of the South Dakota Board of Nursing ("Board") and am employed as a Nurse Program Specialist working primarily in the area of investigations and disciplinary issues.
- 2. I offer this Affidavit based on my personal knowledge and in support of the separately submitted Motion for Summary Suspension.
- 3. Jennifer Hanes, UMA ("Registrant") is registered to practice as an unlicensed medication aide in the State of South Dakota and holds registration number M005568.
- 4. In my position as Nurse Program Specialist for the Board, I am responsible under for receiving, reviewing and investigating all complaints submitted to the Board.
- 5. On or about August 3, 2021, I received a complaint regarding Registrant from the Director of Nursing at Fall River Health Services Seven Sisters Living Center (Seven Sisters), Heidi Koffler. The written complaint is attached as **Exhibit A**.

6. Pursuant to the complaint, the pharmacy department at Seven Sisters conducted an audit and noted multiple medications missing that were accessed by Registrant using her fingerprint. The missing medications included: #45 Hydrocodone/APAP 5/325; #25 Hydrocodone/APAP 10/325; and #9 Oxycodone 5mg.

7. There was an occasion when twenty-seven doses were removed during Registrant's shift for an order that covered two doses that shift. The two ordered doses were documented as administered, but the other twenty-five doses were unaccounted for.

8. Registrant later admitted to Division of Criminal Investigation (DCI) that she has a problem and was taking the medication. Registrant resigned from her position with Seven Sisters and refused to submit to a drug test.

9. Upon receipt of the complaint, I immediately initiated an investigation. I called Registrant to investigate the complaint but did not hear back. As of the date of this Affidavit, I still have not heard from Registrant.

10. Based upon the allegations in the complaint and my initial investigation, I find the public health, safety, and welfare imperatively require emergency action in that Registrant's actions may endanger the health and safety of persons entrusted to Registrant's care and that Registrant's registration should be summarily suspended until further Order of the Board.

Dated this 9 day of August, 2021.

Nurse Program Specialist

Subscribed and sworn to before me this 9 day of August, 2021.

En um matthia Notary Public - South Dakota

My commission expires: 01/08/2026

## SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE REGISTRATION PROCEEDINGS

RE: JENNIFER HANES, UMA

Registration No.: M005568

Registrant.

MOTION FOR SUMMARY SUSPENSION

The undersigned attorney for the South Dakota Board of Nursing prays that the Board enter an Order for Summary Suspension pursuant to SDCL § 1-26-29. The public health, safety, and/or welfare imperatively require emergency action summarily suspending Registrant Jennifer Hanes, UMA, Registration No. M005568. Proceedings for revocation or other Board action following contested case proceedings and hearing will be promptly instituted. This Motion is supported by the separately submitted Affidavit Supporting Motion for Summary Suspension.

Dated this \_\_\_\_\_ day of August, 2021.

WOODS, FULLER, SHULTZ & SMITH P.C.

By /s/Michele A. Munson

Michele A. Munson 300 South Phillips Avenue, Suite 300 P.O. Box 5027 Sioux Falls, South Dakota 57117-5027 (605)336-3890

Attorneys for South Dakota Board of Nursing

## SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE REGISTRATION PROCEEDINGS

RE: JENNIFER HANES, UMA

Registration No.: M005568

Registrant.

ORDER OF SUMMARY SUSPENSION

WHEREAS, Jennifer Hanes, UMA ("Registrant"), is registered to practice as an unlicensed med aide (UMA) in the State of South Dakota and holds registration number M005568;

WHEREAS, the South Dakota Board of Nursing ("Board") received a Motion for Summary Suspension and supporting Affidavit at its regularly scheduled meeting on August 11, 2021, pursuant to SDCL § 1-26-29; and

WHEREAS, the Board considered the Motion and Affidavit presented and, after meeting and discussing the Motion on the 11<sup>th</sup> day of August, 2021, approved this Order of Summary Suspension by a majority vote of **?** - **O**, as set forth in the attached Motion for Action.

It is hereby ORDERED:

- 1. The Board has a statutory obligation to protect the health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners.
  - 2. The Board has jurisdiction over the Registrant and the subject matter of this Order.
- 3. The Board accepts the facts presented at the meeting on August 11, 2021, and specifically finds, pursuant to SDCL § 1-26-29, that the actions of the Registrant as presented endanger the public health, safety and welfare, and imperatively require emergency action in that

Registrant may endanger the health and safety of those persons who are or will be entrusted to her care in the future and that these are matters of a nature that would constitute further grounds for discipline under SDCL § 36-9-49.

- 4. Based upon these findings, Registrant's registration to practice as an unlicensed med aide in South Dakota is hereby summarily suspended. Registrant shall turn in her registration to the Board within ten (10) days from the date of this Order and it shall be kept by the Board until further action on this matter.
- 5. Registrant is hereby notified that any practice of or holding herself out as an unlicensed med aide during the terms of this Order of Summary Suspension is a violation of SDCL § 36-9-68(5).
- 6. This action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.
- 7. This summary suspension continues pending proceedings for revocation or other action. Contested case proceedings under SDCL 1-26 shall be promptly instituted so that the Board may enter a final determination regarding disciplinary or corrective action after a formal contested case hearing.

Dated this \_\_//4\text{day of August, 2021.}

SOUTH DAKOTA BOARD OF NURSING

**Executive Director**